

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**CLEANUP AND ABATEMENT ORDER NO. 98-222
FOR
TOWN AND COUNTRY RESORT HOTEL
500 HOTEL CIRCLE NORTH, SAN DIEGO
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. Town and Country Resort Hotel owns property identified as San Diego County parcels 437-260-42, 43, 44, 45, 46, 47, 48, and 49, in the City of San Diego, which includes that portion of the San Diego River between Fashion Valley Road on the west and Avenida Del Rio to the east.
2. Town and Country Resort Hotel has discharged waste, consisting of or containing greenwaste and construction debris, into and near the San Diego River where it will be discharged to waters of the state during periods of high flow.
3. Discharge of these wastes to the San Diego River creates, or threatens to create, a condition of pollution and nuisance.
4. Cleanup of wastes deposited into and near the San Diego River will entail physical disturbances that will promote the proliferation of giant reed, Arundo donax.
5. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000. Et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, pursuant to Section 13304 of Division 7 of the California Water Code:

1. Town and Country Resort Hotel (hereinafter discharger) shall cleanup the waste and by November 20, 1998 abate all effects of the discharge of wastes into and near the San Diego River, including
 - a. the removal of all cut vegetation debris from the San Diego River;
 - b. the removal of all debris, including greenwaste and rubble of concrete, asphalt, and plasterboard from its current location within the floodway of the San Diego River;

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- c. the control and elimination of giant reed, Arundo donax, from the Town and Country Resort Hotel property to prevent its expected proliferation in those areas disturbed by the waste discharge and subsequent cleanup activities; and
 - d. any other measures which may be necessary to abate the effects of the discharged waste.
- 2. The discharger shall dispose of all removed waste debris at a disposal site which complies with applicable codes and regulations.
 - 3. The discharger shall obtain all necessary approvals from the California Department of Fish and Game and the U.S. Army Corps of Engineers for any streambed cleanup work.
 - 4. By November 30, 1998, the discharger shall submit a report that documents that the required abatement actions have been taken and that all necessary approvals for the cleanup work were obtained.

Pursuant to California Water Code Section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be civilly liable in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated.

JOHN H. ROBERTUS
Executive Officer

Date Issued: October 9, 1998

GBP:gbp